

(2011) 05 P&H CK 0253

High Court Of Punjab And Haryana At Chandigarh**Case No:** Criminal Writ Petition. No. 799 of 2011

Somnath

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: May 12, 2011**Acts Referred:**

- Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 - Section 4(1)
- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 15

Hon'ble Judges: Nawab Singh, J**Bench:** Single Bench

Judgement

Nawab Singh, J.

Petitioner is undergoing rigorous imprisonment for a period of ten years in case bearing First Information Report No. 30 dated February 25th, 2005 u/s 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act"), Police Station -Radhaur, District Yamuna Nagar. He is confined in District Jail, Yamuna Nagar.

2. The Petitioner filed application to release him temporarily on parole for repair of the house. As per the jail custody certificate dated May 11th, 2011, issued by Deputy Superintendent, District Jail, Yamuna Nagar, out of ten years, the Petitioner has already undergone actual sentence of 5 years 9 months and 9 days.

3. State has filed reply averring therein that the parole was declined by Commissioner, Ambala Division, Ambala by order dated November 26th, 2010 (Annexure R-2) on the ground that that the Petitioner has not earned "first annual good conduct remission" u/s 4(1) of Haryana Good Conduct Prisoner (Temporary Release) Act 1988.

4. Learned Counsel for the Petitioner has urged that since a convict undergoing imprisonment under the Act is not entitled to remissions, so question of earning first annual good conduct remission by the Petitioner does not arise and as such,

the Commissioner was not justified in rejecting the application of the Petitioner.

5. In view of the above, it is ordered that Somnath -Petitioner be released on parole on his furnishing personal and surety bonds to the satisfaction of District Magistrate, Yamuna Nagar, for a period of fifteen days. The period of parole shall commence from the date, the Petitioner is released. The Petitioner shall keep peace and shall not indulge in any nefarious activity while on parole.

6. Disposed of.